

Declaration of Scott Wiener

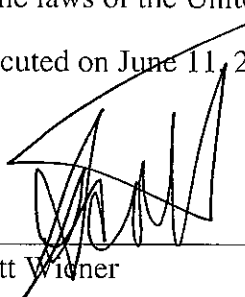
I, Scott Wiener, declare as follows:

1. I am a Deputy City Attorney in the Office of the San Francisco City Attorney, counsel of record to Defendants in this lawsuit. I have personal knowledge of the contents of this declaration, and I could and would testify competently thereto if called upon to do so.

2. Attached hereto as Exhibit A is a true and correct copy of the Court's May 2, 2008, order. Defendants request that the Court take judicial notice of the order. To date, Plaintiff has not filed an opposition to Defendants' motion to compel. Nor has Plaintiff provided initial disclosures or responded to discovery.

3. Plaintiff canceled her deposition once and failed to appear for deposition the second time that Defendants noticed it.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on June 11, 2008, at San Francisco, California.

  
\_\_\_\_\_  
Scott Wiener

**BAUTISTA V. CCSF, ET AL. – US DISTRICT COURT NO. C07-5434 CW**

**PROOF OF SERVICE**

I, HELEN LAU, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

On June 12, 2008, I served the attached:

**OPPOSITION TO MOTION TO ENLARGE TIME**

**REQUEST FOR DISMISSAL PURSUANT TO MAY 2, 2008, COURT ORDER**

on the interested parties in said action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

Alexis Bautista  
1409 Saint Kitts Lane  
Foster City, CA 94404  
Telephone: (831) 703-4146  
Cell Phone: (650) 518-1685  
Facsimile: (650) 357-0119  
***Plaintiff In Pro Per***

and served the named document in the manner indicated below:

- ☒ **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.
- ☐ **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. A declaration from the messenger who made the delivery ☐ is attached or ☐ will be filed separately with the court.
- ☐ **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.
- ☐ **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number (415) 554-3837 to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of the transmission report ☐ is attached or ☐ will be filed separately with the court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed June 12, 2008, at San Francisco, California.

  
HELEN LAU